MONTANA LEGISLATIVE HISTORY

Chapter 148 1985

Bill H _____ S 152 Original bill & history ____C

H. Committee on Ag, Livestock & Irrig.		S. Committee on Ag, Livestock & Irrig.	
Hearing Date(s) Mar 06	~C	Hearing Date(s) Jan 23	~C
_____	____C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out Mar 06	~C	Jan 23	~ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

STANDING COMMITTEE REPORT

January 23 19 35

MR. PRESIDENT

We, your committee on Agriculture, Livestock & Irrigation

having had under consideration SENATE BILL No. 157

first reading copy (white color)

Respectfully report as follows: That SENATE BILL No. 157

DO PASS

~~DO NOT PASS~~

Chairman.

4/01 TRANSMITTED TO GOVERNOR
4/03 SIGNED BY GOVERNOR
CHAPTER NUMBER 340 EFFECTIVE DATE: 4/03/85

SB 156 INTRODUCED BY TOWE
REVISION OF DESIGNATION CRITERIA FOR COAL BOARD LOANS AND GRANTS

1/18 INTRODUCED
1/18 REFERRED TO TAXATION
1/25 HEARING
2/22 COMMITTEE REPORT-BILL PASS AS AMENDED
2/25 2ND READING PASS 48 0
2/27 3RD READING PASS 50 0

TRANSMITTED TO HOUSE
3/06 REFERRED TO NATURAL RESOURCES
3/18 HEARING
3/25 HEARING
3/26 COMMITTEE REPORT-BILL CONCURRED
3/30 2ND READING CONCURRED 94 1
4/01 3RD READING CONCURRED 99 1

RETURNED TO SENATE
4/08 SIGNED BY PRESIDENT
4/09 SIGNED BY SPEAKER

4/10 TRANSMITTED TO GOVERNOR
4/12 SIGNED BY GOVERNOR
CHAPTER NUMBER 462 EFFECTIVE DATE: 10/01/85

SB 157 INTRODUCED BY LYBECK, HOLLIDAY, MANUEL, ET AL.
AUTHORIZES FORFEITURE OF ABUSED ANIMAL

1/18 INTRODUCED
1/18 REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.
1/23 HEARING
1/23 COMMITTEE REPORT-BILL DO PASS
1/25 2ND READING PASS 33 15
1/28 3RD READING PASS 39 10

TRANSMITTED TO HOUSE
1/29 REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.
3/06 HEARING
3/07 COMM REPORT-BILL CONCURRED AS AMENDED
3/09 2ND READING CONCURRED 97 0
3/12 3RD READING CONCURRED 96 2

RETURNED TO SENATE WITH AMENDMENTS
3/14 2ND READING AMENDMENTS CONCURRED 45 0
3/16 3RD READING AMENDMENTS CONCURRED 46 1
3/19 SIGNED BY PRESIDENT
3/20 SIGNED BY SPEAKER

3/21 TRANSMITTED TO GOVERNOR
3/22 SIGNED BY GOVERNOR
CHAPTER NUMBER 148 EFFECTIVE DATE: 10/01/85

SB 158 INTRODUCED BY JACOBSON
EXEMPTION OF BOND FOR DUPLICATE STATE WARRANTS

MINUTES OF THE MEETING
AGRICULTURE, LIVESTOCK AND IRRIGATION
MONTANA STATE SENATE

January 23, 1985

The Agriculture, Livestock and Irrigation Committee meeting was called to order on the above date, in Room 415 of the State Capitol Building, at 1:00 p.m., by Chairman Boylan.

ROLL CALL: All members present.

SENATE BILL 157: Senator Ray Lybeck, District 4, introduced the bill. He told committee members there is a problem in his area, western Montana, and it has increased with the subdivision ranchettes. People buy animals and, when winter comes, they cannot afford to feed them because of the cost of hay and feed. With this bill, if they do not take care of these animals, they may forfeit them. The counties have been responsible for charges stemming from abuse and this will transfer charges to the owner of the animal.

PROPONENTS: Les Graham, Department of Livestock, testified that the law says the sheriff is responsible and the livestock inspectors end up getting involved. In some situations, inspectors have been called back four or five times in the Helena valley. Prior to issuing a citation, the Department calls a veterinarian. The veterinarian usually donates his time but, if there is a bill for medication, etc., the county or state has to pick it up. Forfeiture is important as some animals don't get the care they need because people can't afford to do it. This would benefit the animals, which are the ones doing the suffering.

OPPONENTS: None.

Committee questions were called for. Senator Galt questioned whether the bill would affect killing beef on his ranch. Mr. Graham pointed out language covering butchering was already in the law. The bill covers neglect. The Department has never been called by the public in regard to butchering. Cat and dog problems would go to the sheriff. John MacMaster, Legislative Researcher, pointed out it cannot be done without justification.

Senator Hammond asked what the county would do with these animals. Mr. Graham replied that animals on the highway are put into corrals and the Department feeds them until the owner is located. Once it took four days to find the owner. Luckily this person reimbursed the Department, but this does not usually happen. Starving animals go to a veterinary clinic. However, people still own them, get them back and it happens all over again. Mr. Graham would like the judge able to take the animal away and sell it. Unfortunately, some animals are beyond sale and have to be destroyed.

Senator Bengtson inquired if there was anything in the bill on the amount of compensation. Mr. Graham told her it is open to the judge's order and would cover any animal. Dogs and cats would go to local humane societies. The Livestock Department works with local humane societies and the sheriff.

Senator Aklestad had trouble with authorities going in, especially if it was a first offense. Mr. Graham answered that it is at the discretion of the court.

DISPOSITION OF SB 157: Senator Galt moved SB 157 DO PASS. Motion carried.

There being no further business, the meeting adjourned.

Boylan

SENATOR PAUL BOYLAN, Chairman

DATE Jan. 23, 1985

COMMITTEE ON AGRICULTURE

SB157

VISITORS' REGISTER

NAME PRINT	REPRESENTING	BILL #	Check One	
			Support	Oppose
Les Graham	Dept. of Livestock	SB157	✓	
DON FERLICKA	" "	"	✓	
Cathy Harrington	(Intern)	SB157		

Senate BILL NO. 157

INTRODUCED BY Lybel Hocevar Manuel Jabemb Kolstad Richard E. Manning Connelly Harp Mercehan Doherty

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE FORFEITURE OF AN ANIMAL BY AN OWNER CONVICTED OF MISTREATING OR NEGLECTING IT; ALLOWING THE IMPOSITION OF REASONABLE VETERINARY FEES; AMENDING SECTION 45-8-211, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-8-211, MCA, is amended to read:

"45-8-211. Cruelty to animals. (1) A person commits the offense of cruelty to animals if without justification he knowingly or negligently subjects an animal to mistreatment or neglect by:

(a) overworking, beating, tormenting, injuring, or killing any animal;

(b) carrying any animal in a cruel manner;

(c) failing to provide an animal in his custody with proper food, drink, or shelter;

(d) abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any other place where it may suffer injury, hunger, or exposure or become a public charge; or

(e) promoting, sponsoring, conducting, or participating in a horse race of more than 2 miles or promoting, sponsoring, conducting, or participating in any fight between any animals.

(2) A person convicted of the offense of cruelty to animals shall be fined not to exceed $500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. If such person is the owner, he may be required to forfeit to the county in which he is convicted any animal affected.

(3) In addition to the sentence provided in subsection (2), the court may require the defendant to pay all reasonable costs incurred in providing necessary veterinary attention and treatment for any animal affected."

-End-

INTRODUCED BILL
SB 157

MINUTES OF THE MEETING
AGRICULTURE COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 6, 1985

The meeting of the Agriculture Committee was called to order by Chairman James Schultz on Wednesday, March 6, 1985 at 3:10 p.m. in Room 317 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL NO. 68: Senator Judy Jacobson, District #36, sponsor of the bill, appeared and offered testimony in support of it. She said this bill is a bill to amend the law that was passed a couple years ago. It prevents the sale of baby animals as pet or novelties. This amendment would restrict the sale of baby animals to only those operations who were actually bonafide hatcheries or breeders. Her testimony was marked as Exhibit A and is attached hereto.

PROPONENTS: Don Ferlicka, Doctor of Veterinary Medicine for the Department of Livestock, stated this amendment would allow for greater clarification of the language which would further clarify the intent of the bill. He then asked Dave Cogley, committee researcher, to explain what the amendment was.

Dave Cogley informed the committee that the existing language refers to avicultural breeding and raising; avicultural has nothing to do with rabbits; therefore, strike "avicultural".

There being no further proponents and no opponents, Senator Jacobson closed saying that she was sorry the chicken couldn't be able to be here, but that it spoke in favor of the bill when it was introduced in the Senate.

There were no questions from the committee and the hearing on Senate Bill No. 68 was closed.

CONSIDERATION OF SENATE BILL NO. 157: Senator Ray Lybeck, District #4, sponsor of the bill, appeared and offered testimony in favor of the bill. He stated that this is a bill that deals with another aspect of cruelty to animals. In the area that he represents it is a problem of the care and feeding of the animals.

PROPONENTS: Ken Kelly, representing the Veterinary Medical Association, offered testimony in support of the bill. He said the reason being that people do not realize what prevelant cruelty to animals is. People in his area shouldn't be allowed to own animals because of overfeeding

and underfeeding their animals.

Les Graham, representing the Department of Livestock, stated that the sheriff is the chief humane officer and he has seen some of the problems they have run into.

There were no further proponents and no opponents to the bill. Senator Lybeck closed saying that he appreciates the opportunity to be able to present the bill and Representative Holliday will carry the bill on the house floor.

DISCUSSION OF SENATE BILL NO. 157: Representative Bachini asked Mr. Graham if the Department of Livestock would be under the jurisdiction of the sheriff. Mr. Graham informed him that they are not under the jurisdiction of the sheriff and they only help out when the sheriff calls and asks them to help with the problem.

Representative Rapp-Svrcek asked Senator Lybeck what do the counties do with the animals after they are forfeited over to the counties. Senator Lybeck referred the question to Les Graham who stated that the law provides that the animals can be sold or auctioned off if they are designated as a stray or ordered by the court.

Representative Patterson asked what if a banker holds a mortgage on the animals. Les Graham informed him that any animals sold the secured party's name is on the check. However, all of the decisions are in the hands of a judge.

Representative Jenkins asked Mr. Graham if the open range animals are covered under this bill. He stated they were not.

EXECUTIVE SESSION

DISPOSITION OF SENATE BILL NO. 68: Representative Bachini moved to amend the bill by striking "avicultural". The motion carried unanimously.

Representative Bachini made a motion to BE CONCURRED IN AS AMENDED SB No. 68. A second was received by Representative Rapp-Svrcek. Discussion of the bill was held.

Representative Cody asked what is to prevent people, such as the Ben Franklin Stores, from saying they are breeding and raising these animals. Representative Schultz said

that there is no sex related characteristics in baby chicks. Once the animals are born they are dyed. Dave Cogley said that the Ben Franklin stores would not clearly come under "breeding or raising purposes" since they do not have the facilities to do so. He also informed the committee that it is fairly easy to establish who is selling the baby animals as pets, novelties, etc. and who is selling them for breeding or raising purposes.

There being no further discussion, the question was called for on Senate Bill No. 68 for a BE CONCURRED IN AS AMENDED motion, and it PASSED UNANIMOUSLY.

DISPOSITION OF SENATE BILL NO. 157: Representative Ellerd stated that there is no way to tell who owns the animals that don't carry a brand, so if no one claims the animal it becomes the property of the state of Montana.

Representative Devlin moved to amend SB 157. The amendment is:

1. Page 2, line 8.
   Following: "affected"
   Insert: "This provision does not affect the interest of any secured party or other person who has not participated in the offense."

The amendment carried.

Representative Jenkins moved to BE CONCURRED IN AS AMENDED Senate Bill No. 157. The question was called and the motion PASSED UNANIMOUSLY.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 4:00 p.m.

James W. Schultz

JAMES SCHULTZ, Chairman

JS/lcb

STANDING COMMITTEE REPORT

March 6 19 35

MR. Speaker

We, your committee on Agriculture

having had under consideration Senate Bill No. 157

Third reading copy (Blue color)

AUTHORIZES FORFEITURE OF ABUSED ANIMALS

Respectfully report as follows: That Senate Bill No. 157

BE AMENDED AS FOLLOWS:

1. Page 2, line 3.
Following: "affected."
Insert: "This provision does not affect the interest of any secured party or other person who has not participated in the offense."

AND AS AMENDED,
BE CONCURRED IN

~~DO PASS~~

JAMES SCHULTZ Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

VISITORS' REGISTER

AGRICULTURE COMMITTEE

BILL NO. SB 157 and SB 68 DATE March 6, 1985

SPONSOR Senator Jacobson & Senator Lybeck

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Les Graham	Dept of Livestock	SB68 HB157 V	
DON EERLICKA	" "	"	
K.M. Kelly	MT. Veterinary Medical Assn.	SB157	
Ray Eyluck	Legislature	SB157	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.